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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,939	07/27/2001	Audrius J. Budrys	10008264-1	8789

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EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,939

Applicant(s)

AUDRIUS J. BUDRYS, GIORDANO
B. BERETTA

Examiner

Sara M Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment received on June 30, 2004. Claims 1-19 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by McKnight et al., US Patent 6670974.

In reference to Claim 1, McKnight et al. teaches a multi-component icon and method for generating, and displaying, the icon from a data object's content and metadata in which the icon comprises several icon portions (Figure 12) with several

visual variations (Figure 10) where each icon portion is variably assigned to any characteristic of the data object (Col. 8, line 45 et seq.) and where each variation is visually represented by the icon corresponding to the visual variation of the variably assigned icon portion (Figs 10-12 and corresponding text).

In reference to Claim 2, McKnight et al. teaches that the data object may be a word processing document file (Figure 10, ref. 1014).

In reference to Claim 3, McKnight et al. teaches the icon portion to be contiguous portions of the icon (Figure 12).

In reference to Claim 4, McKnight et al. teaches the icon portions to comprise a main body portion (Figure 12, ref. 1240 part of the contiguous icon).

In reference to Claim 5, McKnight et al. teaches the icon portions to comprise side portions adjacent to the main body portion (Figure 12, ref. 1210, 1204).

In reference to Claim 6, McKnight et al. teaches a variation of patterns (taken from the table in Figure 10).

In reference to Claim 7, McKnight et al. teaches the visual variations to have secondary visual variations (Figure 12, ref 1202 is the main document, ref 1222 arrow is the secondary visual variation).

In reference to Claim 8, McKnight et al. teaches icons to be interactive with one another, indicating similarities and differences in characteristics of the data objects (lexicons visually indicated characteristics that may be similar or different between icons, see also Figure 10 with corresponding text)

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 9-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Seki et al., US Patent 6570597.

In reference to Claim 9, Seki et al. teaches an icon with several visual traits (subdocument icons) with several visual variations (file types) where each trait is variably assigned to any characteristic of the data object metadata (titles of embedded data B and C) and where each variation of a selected characteristic of the data object metadata is represented by a visual of a selected visual trait (name displayed changes) and displaying the icon according to the assignment of the selected visual trait to the selected characteristic (See Figures 1 and 11).

In reference to Claim 10, Seki et al. teaches the selected characteristic of the data object metadata is variably assigned dependent on user preference (Figure 17, "In the present embodiment, the user can choose whether each sub-icon should be displayed", Column 4, lines 14-15)

In reference to Claim 11, Seki et al. teaches the selected characteristic of the data object metadata is variably assigned automatically (Figure 18, This routine is automatically carried out when a new document is read in or received", Column 6, lines 21-22).

In reference to Claim 12, Seki et al. teaches the icon generated with user initiated interface and variably assigning is selected through the interface (Figures 13-15 and Column 5, line 30 et seq.).

In reference to Claim 13, Seki et al. teaches the variably assigning to be in one session may have a visual trait assigned to a first characteristic and in a second session the visual trait may be assigned to a second characteristic (Figures 19 and Column 5, line 30 et seq.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al., US Patent 6570597 and in further view of Perroux et al., US Patent 6459441.

Seki et al. teaches multi-component icons composed from characteristics of the corresponding data objects represented by varying visual variations that represent the varying traits of the characteristics. Seki et al. also teaches icons to be interactive with other icons in that characteristics may be transferred between them.

In reference to Claim 14, while Seki et al. teaches a method for creating a multi-component icon according to a data object's content and metadata characteristics wherein the characteristic has multiple visual variations that make up the multi-component icon (see Claim 9 rejection *supra*), they fail to teach determining a common characteristic of the data object metadata common to a set of data objects to be used to compose the multi-icon as recited in the claims. In the same field of the invention, Perroux et al. teaches an icon creation method similar to that of Seki et al. In addition, Perroux et al. further teaches determining a common characteristic of the data object metadata (titles of embedded files) common to a set of data objects, determining variations associated with this characteristic and creating a visual trait for the variations of the characteristic ("multiple-characteristic GUI objects can be used to express both an operational domain (i.e., a functional category) associated with an icon, and a particular functions within the icon's operational domain", Column 4, lines 9-13 and Figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Seki et al. and Perroux et al. before him at the time the invention was made, to modify the multi-component icon creation and display method for data object content and it's metadata taught by Seki et al. to include the determination of common characteristics between data objects of Perroux et al. to be used as the visual trait, in order to obtain common characteristics between data objects to be displayed in their corresponding icons. One would have been motivated to make such a combination because a way of viewing common characteristics of data without opening them would have been obtained, as taught by Perroux et al.

In reference to Claim 15, Seki et al. teaches the common characteristic of the data object metadata is variably assigned dependent on user preference (See Claim 10 rejection, *supra*)

In reference to Claim 16, Seki et al. teaches the common characteristic of the data object metadata is variably assigned automatically (See Claim 11 rejection, *supra*).

In reference to Claim 17, Seki et al. teaches the icon generated with user initiated interface and variably assigning is selected through the interface (See Claim 12 rejection, *supra*).

In reference to Claim 18, Seki et al. teaches the variably assigning to be in one session may have a visual trait assigned to a first characteristic and in a second session the visual trait may be assigned to a second characteristic (See Claim 13 rejection, *supra*).

In reference to Claim 19, Seki et al. teaches the variably assigning to be dependent on the type of characteristic (Figure 11B and 11C).

Response to Arguments

Applicant's arguments filed 6/30/2004 with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

In response to the newly added limitations, Claims 1-8 are rejected above with the newly applied reference McKnight.

In response to the argument that Metadata is not taught by Seki et al. or by Perroux et al. the examiner would like to point out that in the definition of "metadata" within the specification on page 8, that "Metadata ... can include ... title". This limitation is taught by Seki et al. as seen in the prior office action and furthermore is also taught by the newly applied reference McKnight et al. The examiner would further like to point out that McKnight et al. is applied to address the newly added limitations and that the Claims 9-19, can still be rejected as in the first office action by Seki et al. or Seki et al. in further view of Perroux et al.

In response to the argument that "contiguous portions of the icon" is not taught by Seki et al. the examiner points out the newly applied reference of McKnight to address this new limitation to Claim 3 as can be seen above.

In response to the argument that Seki et al. does not teach "the selected (or common) characteristic of the data object metadata is variably assigned dependent on user preference", or "automatically assigned" the examiner points out the rejection of Claims 10-11 and 15-16 *supra*. In further support of the argument, the displayed title names of the documents are characteristics of the data object metadata as supported by the rejection of Claims 9 and 14 *supra*.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar icon creations methods with alternative visual variations and character/trait assignments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

BA HUYNH
PRIMARY EXAMINER